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1. SUPPLEMENTAL DECLARATION UNDER 37 CFR §1.131... by Raymond P. Mariella, Jr.... (5 pages)

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Kathy E. Raymond
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O I P E
MAR 08 2004
PATENT & TRADEMARK OFFICE

on March 8, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Raymond P. Mariella, Jr.	Docket No. :	IL-10560
Serial No. :	09/662,392	Art Unit :	1744
Filed :	09/14/00	Examiner :	Sean E. Conley
For :	DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS		

SUPPLEMENTAL DECLARATION UNDER 37 CFR §1.131

(Supplemental Declaration Covering the 1 Month and 6 Day Period from July 29, 1999 to September 3, 1999) Supplemental Declaration of Prior Invention by Raymond P. Mariella, Jr. to Overcome Cited Patent

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

- (1) I, Raymond P. Mariella, Jr., hereby declare that:
- (2) I am the inventor named in the subject application;
- (3) I am the Declarant who on February 27, 2002 signed the Declaration

filed on March 13, 2002 in the subject application that was accepted as

establishing I made the invention described and claimed in the subject patent application ("The Invention") in this country prior to September 3, 1999;

(4) The purpose of this Supplemental Declaration is to supplement my previous Declaration and to establish that I made the invention described and claimed in the subject patent application ("The Invention") in this country prior to the July 29, 1999 filing date of the provisional patent application upon which the cited Davies U. S. Patent No. 6,375,687 is based, said date of July 29, 1999 being only 1 Month and 6 Days prior to the September 3, 1999 date in my previous Declaration;

(5) My Declaration signed February 27, 2002 and filed in the subject application on March 13, 2002 and all of its Exhibits are incorporated in this Supplemental Declaration by this reference;

(6) In an Office Action mailed December 17, 2003 in the subject application, claims 1, 7, and 9-11 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by the cited Davies Reference U. S. Patent No. 6,375,697; claims 2, 3, 5, and 6, 8, 12, 13, and 15 were rejected under 35 U.S.C. 103(a) as allegedly being allegedly unpatentable over the cited Davies Reference in view of the Groger et al Reference (U. S. Patent No. 5,766,956); and claims 4 and 14 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the cited Davies Reference in view of the Anbar Reference (U. S. Patent No. 4,022,876);

(7) The Cited Davies Reference U. S. Patent No. 6,375,697 issued on April 23, 2002 and is based upon a provisional patent application that was filed on July 29, 1999, the July 29, 1999 filing date of the provisional patent application is only 1 Month and 6 Days prior to the September 3, 1999 date in my previous Declaration;

(8) I made the invention described and claimed in the subject patent application ("The Invention") in this country prior to July 29, 1999; I made written descriptions of The Invention in this country prior to July 29, 1999; and I disclosed The Invention to others in this country prior to July 29, 1999;

(9) Prior to July 29, 1999 I completed a "RECORD OF INVENTION" describing The Invention in this country, a photostatic copy of which is attached hereto as Attachment SA, the dates on the RECORD OF INVENTION have been blacked out; however, the dates are prior to July 29, 1999, in particular:

the blocked out date at the top of page 1 in the area "RECEIVED - LLNL PATENT GROUP" is prior to July 29, 1999;

the blocked out dates on page 2 in the section "V. Documents Describing the Invention" are prior to July 29, 1999;

the blocked out date on page 2 in the section "VII. Background" is prior to July 29, 1999;

the blocked out dates on page 4 in the section "X. Documents Describing the Invention" are prior to July 29, 1999;

the blocked out date on page 4 in the section "VII. Conception of the Invention" is prior to July 29, 1999;

the blocked out date on page 5 in the section "XIV." is prior to July 29, 1999; and

the blocked out date on page 5 in the section "XV. Classification Review" is prior to July 29, 1999;

(10) I continuously worked on testing, developing, and patenting The Invention during the 1 Month and 6 Day period from July 29, 1999 to September 3, 1999;

(11) I have obtained copies of documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore

National Laboratory, and the United States Department of Energy (DOE) showing that I made The Invention in this country prior to July 29, 1999, that I made written descriptions of The Invention in this country prior to July 29, 1999, that I disclosed The Invention to others in this country prior to July 29, 1999, and that testing, developing, and patenting of The Invention was continuously worked on during the 1 Month and 6 Day period from July 29, 1999 to September 3, 1999, photostatic copies of the documents are attached hereto as Attachments SB, SC, SD, SE, SF, and SG;

the documents SB, SC, SD, SE, SF, and SG are internal documents, the documents were not published, and the documents were not released outside of the control group;

the dates on Attachments SB, SC, SD, SE, SF, and SG have been blacked out; however,

dates showing that I made The Invention prior to July 29, 1999 are dates prior to July 29, 1999, and

dates showing that The Invention was continuously worked on during the 1 Month and 6 Day period from July 29, 1999 to September 3, 1999 are dates during the 1 Month and 6 Days period from July 29, 1999 to September 3, 1999;

(12) I am a citizen of the United States and a resident of Danville, California;

(13) I do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to my application, and I have never abandoned my invention;

(14) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



(Signature)

Declarant: Raymond P. Mariella, Jr.

Dated: March 5, 2004
Livermore, California